

DOCKET NO.: BELL-0008/99157
Application No.: 09/474,404
Office Action Dated: October 6, 2003

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS/ARGUMENTS

The foregoing Amendment After Final and the following Remarks are being submitted as part of a Request for Continued Examination in response to the Final Office Action issued on October 6, 2003 (Paper No. 8) in connection with the above-identified patent application, and are being filed within the three-month shortened statutory period set for a response by the Office Action.

Claims 1 and 3-6 remain pending in the present application, and stand rejected. Independent claim 1 has been amended to more particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Applicants respectfully submit that no new matter has been added to the application by the Amendment.

The Examiner has rejected claims 1 and 3-6 under 35 USC § 103(a) as being obvious over Bernard (U.S. Patent No. 5,497,339) in view of Haitani et al. (U.S. Patent No. 5,900,875). Applicants respectfully traverse the § 103(a) rejection of such claims.

Applicants note that the Examiner states in the Final Office Action that certain claim features recited in the preamble of claim 1 have not been given patentable weight because such features are recited in the preamble of such claim 1. Accordingly, Applicants have amended such claim 1 to positively recite such features in the body of such claim 1, and have also amended claim 1 to positively recite the personal communications device (PCD) thereof and the interaction between the PCD and the cradle of such claim 1.

In particular, claim 1 as amended recites a cradle and a portable communications device (PCD), where the PCD includes an externally accessible port from which communications data is accessible. The cradle is sized to accept and in fact accepts the portable communications device (PCD) therein and has a port connector coupling with the

externally accessible port of the accepted PCD, such that the externally accessible port provides the cradle access to communications data from the PCD.

A network connector of the cradle couples the cradle and by extension the accepted PCD to a second network, and a network communications device of the cradle interfaces between the port connector and the network connector, where the network communications device is a modem. The cradle is constructed such that a positive connection between the externally accessible port of the PCD and the port connector is achieved upon accepting the PCD in such cradle. The PCD is normally in radio communication with a first network but such PCD is currently out of radio communication with the first network, and the cradle couples the accepted and currently out of radio communication PCD to the first network by way of the second network.

The Bernard reference discloses coupling a PCD such as a Palm-type PDA (personal data assistant) to a communications device / cradle 100 such that the PDA may be coupled to a communications network by any of a variety of routes including landline, wireless, and radio. Significantly, the Bernard PDA is not disclosed as being normally in communication with any network other than the communications network. Accordingly, the Bernard reference does not disclose or even suggest a PCD that is normally in radio communication with a first network but that is currently out of radio communication with a first network, or that a cradle accept the currently out of radio communication PCD to couple same to the first network by way of a second network (i.e., the Bernard communications network), as is now positively require by claim 1.

The Haitani reference is cited by the Examiner as disclosing a cradle 510 that accepts a PDA 100 and that in so doing physically connectively couples to an externally accessible

port of such PDA, inasmuch as the Bernard cradle does not disclose such a feature. However, and again, the Haitani PDA is not disclosed as being normally in communication with any network other than the communications network. Accordingly, the Haitani reference does not disclose or even suggest a PCD that is normally in radio communication with a first network but that is currently out of radio communication with a first network, or that a cradle accept the currently out of radio communication PCD to couple same to the first network by way of a second network (i.e., the Haitani communications network), as is now positively require by claim 1.

Furthermore, neither the Bernard nor the Haitani references would suggest the cradle and PCD of claim 1 inasmuch as such references are merely directed to coupling a non-networked PCD such as a PDA to a communications network. Put another way, neither the Bernard nor the Haitani references provide any teaching or even appreciation that the PDA thereof could or should normally be in communication with any network other than the communications network, and thus do not appreciate that the cradle thereof could or should be employed to couple the PDA to another network by way of the communications network when the PDA out of radio communication with the another network, as is required by claim 1.

Applicants note that the Examiner suggests that PCDs such as the Bernard and Haitani PDAs are known to have wireless capabilities so as to for example be able to couple to an external network. However, Applicants respectfully point out that The Bernard and Haitani references are directed to providing such coupling to such an external network when such wireless capabilities are not in fact present in a PDA. Accordingly, Applicants

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respectfully submit that such Bernard and Haitani references actually teach away from the present invention, where the PCD includes capabilities to couple to a radio network.

As a result, Applicants respectfully submit that neither the Bernard nor the Haitani references alone or combined contemplates the spirit and purpose of the cradle and PCD of the present invention as recited in claim 1. Thus, Applicants respectfully submit that such references cannot be combined to make obvious claim 1 or any claims depending therefrom, including claims 3-6. Therefore, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection.

In view of the foregoing Amendment and Remarks, Applicants respectfully submit that the present application, including claims 1 and 3-6, is in condition for allowance, and such action is respectfully requested.

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